

MESSAGE NO: 4348202 MESSAGE DATE: 12/13/2004

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE  
MESSAGE #  
(s):

CASE #(s): A-351-806

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 07/01/2003 TO 06/30/2004

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTIFICATION OF RESCISSION-ANTIDUMPING DUTY ORDER ON SILICON METAL-BRAZIL-LIGAS DE ALUMINO (A-351-806-006) & COMPANHIA FERROLIGAS DE MINAS GERAIS(A-351-806-004)

MESSAGE NO: 4348202

DATE: 12 13 2004

CATEGORY: ADA

TYPE: LIQ

REFERENCE:

REFERENCE DATE:

CASES: A - 351 - 806

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PERIOD COVERED: 07 01 2003 TO 06 30 2004

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTIFICATION OF RESCISSION-ANTIDUMPING DUTY ORDER ON  
SILICON METAL-BRAZIL-LIGAS DE ALUMINO (A-351-806-006)  
& COMPANHIA FERROLIGAS DE MINAS GERAIS(A-351-806-004)

1. THE DEPARTMENT OF COMMERCE HAS RESCINDED THE ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER ON SILICON METAL FROM BRAZIL (A-351-806), COVERING THE PERIOD 07/01/2003 THROUGH 06/30/2004, AND THE MANUFACTURERS/EXPORTERS LIGAS DE ALUMINO S.A. (A-351-806-006) AND COMPANHIA FERROLIGAS DE MINAS GERAIS S.A. (A-351-806-004). THIS ADMINISTRATIVE REVIEW WAS RESCINDED BECAUSE THERE IS NO EVIDENCE THAT LIASA AND MINASLIGAS EXPORTED SILICON METAL TO THE UNITED STATES THAT WAS ENTERED FOR

CONSUMPTION DURING THE PERIOD 07/01/2003 THROUGH 06/30/2004. THE NOTICE OF RESCISSION WAS PUBLISHED IN THE FEDERAL REGISTER ON NOVEMBER 19, 2004 (69 FR 67702).

2. HOWEVER, SILICON METAL PRODUCED BY LIASA AND MINASLIGAS MAY HAVE BEEN EXPORTED TO THE UNITED STATES BY INTERMEDIARY COMPANIES (E.G., RESELLERS OR TRADING COMPANIES) AND ENTERED FOR CONSUMPTION DURING THE PERIOD 07/01/2003 THROUGH 06/30/2004. THEREFORE, YOU ARE TO ASSESS ANTIDUMPING DUTIES ON SILICON METAL FROM BRAZIL PRODUCED BY LIASA AND MINASLIGAS, ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE PERIOD 07/01/2003 THROUGH 06/30/2004, AT THE ALL OTHERS RATE.

3. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND PERIOD LISTED ABOVE. YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

4. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION (CBP) ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAYS INTEREST ON OVERPAYMENTS. OR ASSESSES INTEREST ON UNDER PAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

5. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO

LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-4793 RESPECTIVELY (GENERATED BY O4:MC).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party